HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

WRIT PETITION NO. 248 OF 2003

Petitioner : Ashok Kumar, aged about 29 years, S/o Shri Kanchan Ram, By Caste-Passi, Resident of West Chirmiri, Distt. Koria (C.G.).

Versus

Respondents : 1. Union of India Through : General Manager, South Eastern Railway, Garden Reach, Calcutta-43.

2. Divisional Railway Manager, South Eastern Railway, Bilaspur.

3. Divisional Operating Supdt. South Eastern Railway, Bilaspur.

Present: Shri Parag Kotecha, Advocate for the petitioner.
None for the respondent No. 1
Smt. Hamida Siddique, counsel for the Respondents No. 2 and 3.

ORAL ORDER

(3rd February, 2006)

1. Learned counsel for the petitioner submits that father of the petitioner namely Shri Kanchan Ram was appointed as Porter/C.H.R.M. by the respondents No. 2 and 3.

2. Shri Kanchan Ram, all of a sudden disappeared in January, 1989. After a period of 7 years, he was declared as missing by the Police Station , Manendragarh, District Surguja (Annexure P-3). Thereafter, the petitioner made an application for compassionate appointment on 10.8.1999.

3. Learned counsel for the petitioner submits that the petitioner was to be appointed in accordance with the Railway Board's letter dated August 22, 1991 addressed to the All General Managers (P), All Indian Railways etc. (Annexure P-5), dealing with the appointment of dependant on compassionate basis in case of missing person/employee.

4. Smt. Hamida Siddique, learned counsel appearing for the respondents submits that the petitioner remained absent since 27.9.80 and on the basis of his absence for long period, service of Shri Kanchan Ram was terminated vide order dated 9.1.1989 (Annexure P-2) and as such the petitioner is not entitled to compassionate appointment.

5. Be that as it may, the respondents are directed to consider the case of the petitioner, in accordance with law, in view of the circular dated 12.12.1990 issued by the Government of India, mentioned in the Railway Board's letter dated August 22, 1991 (Annexure P-5) for compassionate appointment within a period of six weeks from the date of receipt/production of a copy of this order.

6. In view of the foregoing, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu